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22 Attorney for Plaintiff JUVENAL ROBLES

23 UNITED STATES DISTRICT COURT  
24 NORTHERN DISTRICT OF CALIFORNIA

25 JUVENAL ROBLES and ABEL FIGUEROA,  
26 individually and on behalf of a class of  
27 similarly situated individuals,

28 Plaintiffs,

v.

LUCKY BRAND DUNGAREES, INC., a  
Delaware corporation, KIRSHENBAUM  
BOND SENECA & PARTNERS LLC f/k/a  
KIRSHENBAUM BOND & PARTNERS  
LLC, a Delaware limited liability company,  
d/b/a Lime Public Relations + Promotion, and  
KIRSHENBAUM BOND & PARTNERS  
WEST LLC, a Delaware limited liability  
company,

Defendants.

Case No. 10-cv-04846 MMC

**JOINT REPORT ON STATUS OF  
SETTLEMENT; STIPULATION AND  
[PROPOSED] ORDER CONTINUING  
STAY OF LITIGATION PENDING  
CLASS ACTION SETTLEMENT**

The Honorable Maxine M. Chesney

1 KIRSHENBAUM BOND SENECA &  
2 PARTNERS LLC f/k/a KIRSHENBAUM  
3 BOND & PARTNERS LLC, a Delaware  
4 limited liability company, d/b/a Lime Public  
Relations + Promotion, and KIRSHENBAUM  
BOND & PARTNERS WEST LLC, a  
Delaware limited liability company,

5 Third-Party Plaintiffs.

6 v.

7 MERKLE INC., a Maryland Corporation,

9  
10 Third-Party Defendant and  
Four-Party Plaintiff.

11 v.

12 RGAR HOLDINGS, LLC, a Florida limited  
13 liability company, formerly known as TAKE 5  
14 SOLUTIONS, LLC., a Florida limited liability  
company.

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16 Fourth-Party Defendants.

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1 Plaintiffs Juvenal Robles and Abel Figueroa (together, "Plaintiffs"), Defendant Lucky Brand  
 2 Dungarees, Inc. ("Lucky"), Defendants Kirshenbaum Bond Senecal & Partners LLC, f/k/a  
 3 Kirshenbaum Bond & Partners LLC, d/b/a Lime Public Relations + Promotion and Kirshenbaum  
 4 Bond & Partners West LLC (together, "Lime"), Third-Party Defendant Merkle Inc. ("Merkle"), and  
 5 Fourth-Party Defendant RGAR Holdings, LLC f/k/a Take 5 Solutions, LLC ("Take 5")  
 6 (collectively, the "Parties"), by and through their counsel, submit the following Joint Statement on  
 7 the Status of Settlement, and Stipulation to Continue the Stay of Proceedings for a final two weeks:

8 1. On May 25, 2012, the Parties submitted a Joint Stipulation announcing that they had  
 9 reached an agreement as to the material terms of a class action settlement and requested that the  
 10 Court stay all pending motion and discovery deadlines. (Dkt. 85.)

11 2. On May 30, 2012, the Court granted the Stipulation and instructed the Parties to file  
 12 a Joint Status Report on the status of the settlement or a motion for preliminary approval on or  
 13 before July 13, 2012. (Dkt. 86.)

14 3. On July 13 2012, the Parties applied for an extension of the stay to allow additional  
 15 time to complete the necessary settlement documents. (Dkt. 87.) The Court granted a thirty-five  
 16 (35) day extension of the stay on July 18, 2012 and instructed the Parties to file a Joint Status  
 17 Report on or before August 22, 2012. (Dkt. 88.)

18 4. On August 22, 2012, the Parties filed their second request to continue the stay,  
 19 reporting that Counsel for each of the Defendants, as well as insurers, and representatives of the  
 20 Defendants have reviewed and edited several drafts of the settlement agreement and that the Parties  
 21 had selected the class action administrator who was in the process of revising the notice plan for  
 22 final approval from all Parties and insurers.

23 5. On September 7, 2012, the Parties filed their third request to continue the stay,  
 24 reporting that on August 29, 2012, a version of the settlement agreement, accompanying exhibits,  
 25 and notice plan was agreed to by counsel and circulated to the Plaintiffs and Defendants for  
 26 signature. On August 30, 2012, Lucky identified additional revisions to the settlement agreement,  
 27 notices, and notice plan, which were circulated to counsel for the other Parties on September 6,  
 28

1 2012. The Court granted the two week extension of the stay and instructed the Parties to file a Joint  
2 Status Report on or before September 21, 2012. (Dkt. 92.)

3       6. Over the last two weeks the Parties have worked through several issues relating to  
4 settlement notice to ensure an appropriate process is in place and have worked out the terms of the  
5 settlement agreement. The settlement administrator also provided detailed information on the  
6 settlement notice issues that took time to compile and evaluate. The Parties are working diligently  
7 and in good faith to finalize this settlement and notice procedure. Lucky has a meeting set for  
8 Monday morning to address the notice procedure issues. The Parties are very close to completing  
9 this settlement. However, due to the intervening religious holidays and people's travel schedules, it  
10 has taken longer than expected to work through these issues and the Parties require a **final** two week  
11 extension to complete the settlement papers. The Parties now anticipate moving for Preliminary  
12 Approval on or before October 5, 2012. Based on that filing date, the Parties are looking at a  
13 hearing for preliminary approval; to the extent the Court requires one, on either November 2, 2012  
14 or November 16, 2012 at 9:00 AM.

15       7.       The Parties therefore stipulate to a final extension of the stay on all pending motion  
16 and discovery deadlines in this case to and including October 5, 2012, to allow them time to finish  
17 memorializing the settlement terms and finalizing the notice plan.

## IT IS SO JOINTLY REPORTED AND STIPULATED.

19 | Dated: September 21, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Brian R. Blackman  
CRAIG CARDON  
BRIAN R. BLACKMAN  
Attorneys for  
Defendant LUCKY BRAND DUNGAREES, INC.

1 Dated: September 21, 2012

2 EDELSON MCGUIRE LLC

3  
4 By /s/ Ryan D. Andrews  
5 RYAN D. ANDREWS  
6 SEAN REIS  
7 Attorneys for

8 Plaintiffs JUVENAL ROBLES and ABEL FIGUEROA

9 Dated: September 21, 2012

10 WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

11 By /s/ David Sheiffer  
12 DAVID SHEIFFER  
13 SARA J. SAVAGE  
14 Attorneys for  
15 Defendants KIRSHENBAUM BOND SENECA &  
16 PARTNERS LLC and KIRSHENBAUM BOND &  
17 PARTNERS WEST LLC

18 Dated: September 21, 2012

19 LATHAM & WATKINS LLP

20 By /s/ Peter Winik  
21 PETER WINIK  
22 MATTHEW RAWLINSON  
23 SARAH GRAGERT  
24 Attorneys for  
25 Third-Party Defendant MERKLE, INC.

26 Dated: September 21, 2012

27 MCDERMOTT WILL & EMERY LLP

28 By /s/ Peter Drobac  
29 Daniel E. Alberti  
30 Peter J. Drobac  
31 Attorneys for Fourth-Party  
32 Defendant RGAR Holdings, LLC

## **CERTIFICATION**

I, Brian R. Blackman, am the ECF User whose identification and password are being used to file this Joint Case Management Statement and Request to Continue. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Ryan D. Andrews, David Sheiffer, Peter Winik and Peter Drobac have concurred in this filing.

Dated: September 21, 2012

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/ Brian R. Blackman  
BRIAN R. BLACKMAN  
Attorneys for Defendant Lucky Brand Dungarees, Inc.

## **ORDER**

Having considered the Parties' Joint Report on the Status of Settlement and Stipulation and good cause appearing, this litigation, including amended pleading deadlines, motion deadlines, and all discovery obligations, shall be stayed to and including October 5, 2012.

In the event that Plaintiffs have not filed a motion for preliminary approval of the settlement on or before October 5, 2012, the stay of this litigation shall be lifted and the parties shall file on that date a further Case Management Statement.

## IT IS SO ORDERED.

Dated: September 24, 2012

*Maxine M. Chesney*  
The Honorable Maxine M. Chesney  
United States District Judge